

REMARKS

By the foregoing amendments, claim 1 has now omits a membrane element and includes battery, controller, and reading and writing elements from claims 3 and 5, which have been canceled. Claim 6 is amended for consistency with amended claim 1. Claims 8-10 and 15 are canceled. New claims 16-27 are presented. Claim 16 parallels original claim 1 and includes battery, controller, and reading and writing elements from original claim 3 and a pressure-sensitive contact adhesive layer from original claim 15, which is canceled. Dependent claims 17-27 parallel the remaining original dependent claims. Support for the amendment to claim 1 is found in original claims 1, 3, and 5, and the original specification at page 6, lines 1-3, for example. Support for new claim 16 is found in original claims 1, 3, and 15, and the original specification at page 6, lines 1-3, for example.

No new matter has been added and the amendments do not require an additional search.

Claims 1, 2, 4, 6, 7, 11-14, and 16-27 (21 total; 2 independent) are now pending.

Information Disclosure Statement

The official action states that the information disclosure statement filed July 2, 2005 fails to comply with 37 CFR § 1.98(a)(2), because copies of each cited foreign patent document or non-patent literature were not submitted.

The IDS is in compliance. As stated in the IDS, copies of the patents were not supplied because they were previously submitted to the U.S. Patent and Trademark Office in an information disclosure statement in compliance with 37 CFR §§ 1.98(a)-(c), or cited by the U.S. Patent and Trademark Office, in prior application number 09/685,782, filed October 10, 2000, relied upon for an earlier effective filing date under 35 USC § 120. *See* 37 CFR § 1.98(d). Consideration of the submitted information is respectfully requested.

Drawings

Drawings figures were objected to as having lines, numbers, and letters not uniformly thick and well defined, in clean, durable, and black ink, and because solid black shading is not permitted.

Corrected drawings on replacement sheets are submitted herewith.

Double Patenting

Claims 1-15 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,757,560.

A terminal disclaimer is submitted herewith. The rejection can be withdrawn.

Amended Claims

The systems now claimed include a contact adhesive for fixing the device to the skin. In contrast, known delivery systems include a housing which is fixed, for example, to the forearm with a ribbon.

Thus, the delivery system according to the claims is applied to the skin with a pressure-sensitive contact adhesive. In contrast, prior adhesive means (e.g., US. Patent No. 5,533,995) are described as "including bio-adhesive means, straps, bracelets, and like securing means." Thus, the '995 patent does not teach application of a delivery system with the carrier layer, reservoir, and electrodes *per se* sticking onto the skin, as the '995 patent is concerned with fixing the housing of the known delivery system onto the body of a patient.

It goes without saying that the claimed delivery system offers benefits vis-à-vis the unwieldy system according to the '995 patent, such that a greater acceptance can be expected. Whereas the '995 patent claims a priority of 1991, the pending application was filed 12 years later, accordingly, the '995 patent has not given any hint or motivation for any modern delivery system.

Significantly, the need for transdermal delivery systems which allow an application of active ingredients by means of an electrical field is an old one. Reference can be made, *inter alia*, to the art mentioned in the background ("State of the Art") section of the present application:

Year	Document
1973	US 3,991,555
1976	US 4,141,359
1986	DE 37 03 321
1986	WO 87/04936
1990	WO 91/16077
1990	WO 92/04938
1993	US 5,415,629

1996 US 5,944,685

1999 WO 00/53256

However, different to the teaching of the '995 patent and the claimed invention, the teaching of the art of the foregoing list concerns iontophoretic systems, wherein the current flows through the body of the patient, which is not the case for delivery systems according to the '995 patent and the claimed invention. The numerous art for iontophoretic systems gives evidence that the '995 patent has not given any motivation, that experts rather stick to iontophoretic systems. The fact that the claim system has given up the idea of an iontophoretic application of active ingredients thus means an independent step, away from the convention in the art, which gives evidence that the claimed delivery system is a result of an inventive step and thus is not obvious.

Conclusion

In view of the foregoing, entry of amendments to the drawing figures, cancellation of claims 3, 5, 8-10, and 15, entry of the amendments to claims 1, 2, 4, and 6, and entry of new claims 16-27 are respectfully requested.

In the absence of more pertinent prior art, withdrawal of the rejections and allowance of all pending claims are respectfully requested.

Should the examiner wish to discuss the foregoing, or any matter of form or procedure in an effort to advance this application to allowance, the examiner is urged to telephone the undersigned attorney at the indicated number.

Respectfully submitted,

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